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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,726	01/23/2004	Michael Majchrzak	032016-0128	7340

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

EXAMINER

PELHAM, JOSEPH MOORE

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3742

The Examiner acknowledges Applicant's submission of the amendment filed 8/11/06. Claims 19-22, 24, 26, 28, 29, 42, 43, 49, 50, 60, 62, 63, 65, 69, 70, and 72 are now pending.

The Examiner notes with chagrin that further review of the claims has determined that certain of the claims previously indicated to be allowable are in fact anticipated or obvious over the prior art. He sincerely regrets any inconvenience.

Claim Rejections - 35 USC § 102

Claim 60 is rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. 6114659 or US Pat. 4038968.

Referring to Fig. 2 and col. 3, lines 19-46; US'659 discloses a food warming container comprising a duct system (30) circulating air in a single loop (90, 95, 98) across the opening to form an air curtain (90), so that air travels from the curtain through the container and adjacent the food item therein, and is received by an opening 26 in the duct system.

Referring to Figs. 1 & 2 and col. 2, lines 21-37, US'968 discloses a food warming container comprising a duct system (5) circulating air in a single loop across the opening to form an air curtain, and the air stream necessarily travels from the curtain through the container and adjacent the food item therein, and is received by an opening 10 in the duct system.

Claim Rejections - 35 USC § 103

Claim 63 is rejected under 35 U.S.C. 103(a) as being obvious over US'659 or US'968 in view of US Pat. 5532456.

The claim differs from US'659 or US'968 only in calling for humidified container. US'456 discloses a humidified food container. It would have been obvious to adapt humidification means to the container of US'659 or US'9687 to prolong the storage time of the foods placed therein without drying them.

Allowable Subject Matter

Claims 62 and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 19-22, 24, 26, 28, 29, 42, 43, 49, 50, 69, 70, and 72 are allowed.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

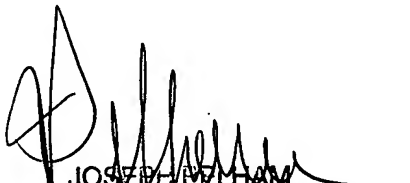
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/11/06


JOSEPH PELHAM
PRIMARY EXAMINER